

Whitman
Preston

1 institution, agency, or office within the executive or legislative
2 branch of the state government which is under the direction of
3 one or more elected or appointed members;

4 (B) the commissioners court of each county and the city
5 council or governing body of each city in the state;

6 (C) every deliberative body having rulemaking or
7 quasi-judicial power and classified as a department, agency, or
8 political subdivision of a county or city;

9 (D) the board of trustees of every school district, and
10 every county board of school trustees and county board of
11 education;

12 (E) the governing board of every special district;

13 (F) the part, section, or portion of every organization,
14 corporation, commission, committee, institution, or agency which
15 is supported in whole or in part by public funds, or which expends
16 public funds.

17 (2) "Private legislative office" means the office of a
18 member of the legislature or his staff;

19 (3) "Public records" means the portion of all documents,
20 writings, letters, memoranda, or other written, printed, typed,
21 copied, or developed materials which contains public information.

22 Sec. 3. PUBLIC INFORMATION. All information collected,
23 assembled, or maintained by governmental bodies is public
24 information and available to the public during normal business
25 hours of any governmental body, with the following exceptions
26 only:

27 (1) information deemed confidential by law;

1 (2) information in personnel files, the disclosure of which
2 would constitute an invasion of personal privacy; provided,
3 however, that all information in personnel files of an individual
4 employee within a governmental body is to be made available to
5 that individual employee or his designated representative as is
6 public information under this Act;

7 (3) information relating to pending or forthcoming criminal
8 prosecution; provided, that the Attorney General of Texas and
9 responsible attorneys of the various counties may determine which
10 information in their offices may be withheld from public inspection
11 when such records pertain to the preparation of the prosecution
12 or defense of any action or proceeding, prior to its commencement,
13 to which the state or county is, or may be, a party or when such
14 records do not relate to a matter in violation of law;

15 (4) information which, if released, would give advantage
16 to competitors or bidders and would serve no public purpose;

17 (5) appraisals or appraisal information concerning the
18 purchase of real or personal property for public purposes, prior
19 to public announcement of the project;

20 (6) information in private legislative offices;

21 (7) drafts and working papers involved in the preparation
22 of proposed legislation for a member of the legislature.

23 Sec. 4. APPLICATION FOR PUBLIC INFORMATION. On written
24 or spoken application for public information to the custodian of
25 information in a governmental body by any person, the custodian
26 shall promptly produce such information for inspection or
27 duplication, or both, in the offices of the governmental body.

1 If the information is in active use or in storage and, therefore,
2 not available at the time a person asks to examine it, the
3 custodian shall certify this fact in writing to the applicant and
4 set a date and hour within three working days, at which time the
5 record will be available for the exercise of the right given by
6 this Act. Nothing in this Act shall authorize any person to
7 remove original copies of public records from the offices of any
8 governmental body without the written permission of the custodian
9 of the records.

10 Sec. 5. CUSTODIAN OF PUBLIC RECORDS DESCRIBED. (a) The
11 custodian of public records shall be the chief administrative
12 officer of each governmental body, and the custodian shall be
13 responsible for the preservation and care of the public records
14 of the governmental body. It shall be the duty of the custodian
15 of public records, subject to penalties provided in this Act, to
16 see that the public records are made available for public
17 inspection and copying; that the records are carefully protected
18 and preserved from deterioration, alteration, mutilation, loss,
19 removal, or destruction; and that public records are repaired,
20 renovated, or rebound when necessary to preserve them properly.

21 (b) Neither the custodian nor his agent who controls the
22 use of public records shall make any inquiry of any person who
23 applies for inspection or copying of public records beyond the
24 purpose of establishing the public records being requested; and
25 neither shall the custodian nor his agent review, examine, or
26 scrutinize any copy, photograph, or memorandum in the possession
27 of any person requesting public records; and the custodian and

1 his agent shall give, grant, and extend to the person requesting
2 public records all reasonable comfort and facility for the full
3 exercise of the right granted by this Act.

4 Sec. 6. SPECIFIC INFORMATION WHICH IS PUBLIC. (a) Without
5 limiting the meaning of other sections of this Act, the following
6 categories of information are specifically made public information:

7 (1) reports, audits, evaluations, and investigations made
8 of, for, or by, governmental bodies upon completion;

9 (2) the names, sex, ethnicity, salaries, title, and dates
10 of employment of all employees and officers of governmental bodies;

11 (3) information in any account, voucher, or contract dealing
12 with the receipt or expenditure of public or other funds by
13 governmental bodies, not otherwise made confidential by law;

14 (4) the names of every official and the final record of
15 voting on all proceedings in governmental bodies;

16 (5) all working papers, research material, and information
17 used to make estimates of the need for, or expenditure of, public
18 funds or taxes by any governmental body, upon completion of such
19 estimates.

20 (b) It is specifically intended by the legislature that
21 this Act should allow any person to request public information
22 by general category as well as specific items of information.

23 (c) This Act shall be liberally construed whenever any
24 governmental body's fiscal records, audit, warrant, voucher,
25 invoice, purchase order, requisition, payroll, check, receipt,
26 or other record of receipt or expenditure is involved in order
27 that the citizens of this state shall have full knowledge of the

1 public finances of the governmental bodies created to serve them.

2 Sec. 7. ATTORNEY GENERAL OPINIONS. (a) If a governmental
3 body receives a written request for information which it considers
4 within one of the exceptions stated in Section 3 of this Act, but
5 there has been no previous determination that it falls within one
6 of the exceptions, the governmental body within two working days
7 after receiving the request must request a hearing before the
8 attorney general to determine whether the information is within
9 that exception. If a hearing is not requested within two working
10 days, the information shall be presumed to be public information.

11 (b) The attorney general shall immediately hold an open
12 hearing, consistent with standards of due process, to determine
13 whether the requested information is a public record or within
14 one of the above stated exceptions. The specific information
15 requested shall not be disclosed at the hearing, but information
16 of the general type in question may be discussed. The attorney
17 general shall issue an opinion based upon the results of the
18 hearing.

19 Sec. 8. PUBLIC INFORMATION TO BE MAINTAINED. (a) All
20 governmental bodies are hereby instructed to continue developing,
21 collecting, and maintaining all public records which would be of
22 significant public interest.

23 (b) If a governmental body desires to cease producing
24 public records which were being produced on or after September
25 1, 1972, the governmental body shall seek a public hearing with
26 the attorney general, as described in Section 7 of this Act.
27 After the hearing, the attorney general shall issue an opinion

1 as to whether the public records are of significant public
2 interest. Only if the attorney general is of the opinion that
3 the public records are not of significant public interest shall
4 the governmental body be authorized to discontinue producing and
5 maintaining the public records.

6 Sec. 9. WRIT OF MANDAMUS. If a governmental body refuses
7 to supply public information or information which the attorney
8 general has determined to be a public record, the person requesting
9 the information or the attorney general may seek a writ of mandamus
10 compelling the governmental body to make the information available
11 for public inspection.

12 Sec. 10. COST OF COPIES OF PUBLIC RECORDS. (a) The cost
13 to any person requesting noncertified copies of public records
14 comprised of pages up to legal size shall not exceed 10 cents per
15 page. Certified copies of records and copies of records larger
16 than legal size shall not cost the person requesting such records
17 more than \$1 per page.

18 (b) It shall be the policy of all governmental bodies to
19 provide suitable copies of all public records within three days
20 after the date copies were requested. Every governmental body
21 is hereby instructed to make reasonably efficient use of each
22 page of public records so as not to cause excessive costs for the
23 reproduction of public records.

24 (c) No charge shall be made for one copy of any public
25 record requested by other governmental bodies or members of the
26 legislature or their agents for the performance of public business.

27 Sec. 11. PENALTIES. Any person who wilfully destroys,

1 mutilates, removes without permission as provided herein, or
2 alters public records shall be fined not less than \$25 nor more
3 than \$4,000, or imprisoned in jail not less than three days nor
4 more than three months, or both.

5 Sec. 12. PROCEDURES FOR INSPECTION OF PUBLIC RECORDS.

6 Each governmental body may promulgate reasonable rules of procedure
7 by which public records may be inspected efficiently, safely, and
8 without delay.

9 Sec. 13. INTERPRETATION OF THIS ACT. (a) This Act does
10 not prohibit any governmental body or private legislative office
11 from voluntarily making part or all of its records available to
12 the public, unless expressly prohibited by law; provided that
13 such records shall then be available to any person.

14 (b) This Act does not authorize the withholding of
15 information or limit the availability of public records to the
16 public, except as expressly so provided.

17 (c) This Act does not give authority to withhold information
18 from the Legislature of the State of Texas.

19 Sec. 14. SEVERABILITY. If any provision of this Act or
20 the application thereof to any person or circumstances is held
21 invalid, such invalidity shall not affect other provisions or
22 applications of the Act which can be given effect without the
23 invalid provision or application, and to this end the provisions
24 of this Act are declared to be severable.

25 Sec. 15. EMERGENCY. The importance of this legislation
26 and the crowded condition of the calendars in both houses create
27 an emergency and an imperative public necessity that the

1 constitutional rule requiring bills to be read on three several
2 days in each house be suspended, and this rule is hereby suspended,
3 and that this Act take effect and be in force from and after its
4 passage, and it is so enacted.

Pg 18

FORM C

COMMITTEE REPORT

Date Feb. 5, 1973

HONORABLE PRICE DANIEL, JR.

Speaker of the House of Representatives.

Sir:

We, your Committee on State Affairs, to whom was referred H. B. No. 6, have had the same under consideration

and beg to report back with recommendation that it do pass, and be not printed.

Committee Substitute was recommended and is to be printed in lieu of the original bill.

~~The Committee recommends that this measure be considered for the Local and Consent Calendar.~~

The Bill was reported from Committee by the following record vote:

14 ayes
2 nays
6 absent
1 present, not voting

David Finney
Chairman.

Committee on State Affairs

BILL ANALYSISBackground Information:

There is currently no statute expressly providing for public access to information contained in records kept by state governmental agencies.

What the Bill Proposes to Do:

To make available to the public certain information in the custody of state governmental officers to provide such information.

Section by Section Analysis:

Section 1. Provides that the public policy of the State of Texas is to provide all citizens with free access to governmental information unless otherwise expressly provided by law.

Sec. 2. Definitions.

Sec. 3. Provides that all information in the possession of governmental bodies is public information with only the following exceptions:

- (1) information confidential by law;
- (2) information in personnel files except that all information on an individual employee is to be made available to that employee;
- (3) information relating to a pending ^{civil or} criminal prosecution as determined by the Attorney General of the State of Texas ^{and attorneys of other political subdivisions};
- (4) information relating to public bids;
- (5) appraisals of real or personal property for a public project prior to the announcement of the project; ^{pg 19}
- (6) information in private legislative offices; ~~and~~
- (7) information in private executive offices;
- (8) working papers in preparation of proposed legislation;
- (9) information which is prohibited from disclosure by the Canons of Ethics or court order, as between the Attorney General or attorney of a political subdivision and his client; and
- (10) internal records of law enforcement agencies.

Sec. 4. Provides that on application by any ^{Texas resident} ~~person~~ the custodian of information in public records shall promptly produce them for inspection or duplication. A maximum time of three working days shall be allowed to produce such records if they are unavailable at the time of request.

Sec. 5. (a) Provides that the custodian of public records shall be the chief administrative officer of each governmental body and describes his duties. (b) Provides that neither the custodian nor his agent shall make any inquiry of persons requesting records, ^{other than the name and address of the person requesting} and shall not review any copies thereof.

Sec. 6. Provides that certain categories of information are specifically made available to the public.

Sec. 7. (a) Provides that in the event information is requested on which no previous determination has been made, the governmental body ~~asserting~~ ^{as an} ~~exception~~ shall within two days request a hearing before the attorney general to determine if the information is within ~~that~~ ^{an} exception. Otherwise the information is presumed public.

(b) Provides for the type of hearing to be held by the attorney general. stop

pg 20 - Sec. 8. Provides for the maintenance of public records and the procedure necessary to cease maintenance of such records.

Sec. 9. Provides for writ of mandamus to compel the governmental body to make the information available for public inspection.

Sec. 10. (a) Provides for cost to the person requesting copies to be no more than \$.10 per page for noncertified ^{legal} ~~copies~~ ^(actual cost not to exceed) or \$1 per page for certified copies.

(b) Provides for a maximum 3-day time limit for the production of copies.

(c) Provides that no charge shall be made for one copy of public records requested by another governmental body or legislator.

(d) Provides that charges for copies from district and county ~~clerk's~~ ^{office should be as other were provided by law}

Sec. 11. Provides for a penalty of imprisonment of 3 days to 3 months or a fine of \$25 to \$4,000 or both for willful destruction ~~or~~ mutilation, ~~of public records.~~ alteration or removal of public records.

Sec. 12. Provides for the promulgation of rules by each governmental body relating to the inspection of public records.

Sec. 13. (a) Provides that this Act does not prohibit any governmental body or legislator from voluntarily making all of the records in its possession public unless prohibited by law.

(b) Provides that this Act does not authorize the withholding of public records except as provided by law.

(c) Provides that this Act does not authorize the withholding of information from the legislature.

Sec. 14. Severability Clause.

Sec. 15. Emergency Clause. stop

pg 21 Summary of Committee Action:

~~The~~ Public notice having been posted in accordance with Rule VIII, Sec. 13, the Committee considered H.B. No. 6 in a public hearing. The bill was sent to sub-committee ~~for~~ for further study. The sub-committee reported the bill back to the Committee favorably, as amended by a sub-committee substitute. The Committee voted, by a Roll call vote of 14 ayes and 2 nays, to Report H.B. No 6 back to the House favorably, with the Recommendation that it do pass, as amended.

This bill proposes new law.

FISCAL NOTE

February 5, 1973

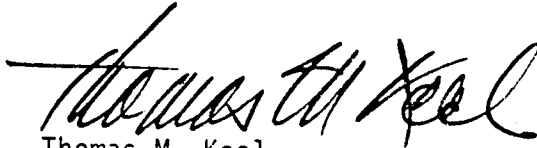
Honorable David Finney, Chairman
Committee on State Affairs
House of Representatives
Austin, Texas 78701

In Re: House Bill No. 6
By: Denton, et al

Sir:

In response to your request and pursuant to House Rule VIII, Section 27, this office finds the fiscal implications and probable cost of House Bill No. 6 (relating to the accessibility of information in the custody of certain governmental agencies and bodies) to be as follows:

1. The bill makes no appropriation.
2. The additional effort which this bill might require of State governmental bodies can, in most cases, be absorbed by existing staff. This assumes that the requests for public information addressed to State agencies will not increase appreciably under the provisions of this bill. In that event, no significant fiscal implication is anticipated should House Bill No. 6 become law. If the assumption is erroneous, and requests should be more voluminous than expected, then the bill could result in requests for additional staff.



Thomas M. Keel
Legislative Budget Director

by Rodriguez

Amend H.B. No.6 by striking all below the enacting clause and substituting in lieu thereof the following:

Insert
①

7 Section 1. DECLARATION OF POLICY. Pursuant to the
8 fundamental philosophy of the American constitutional form of
9 representative government which holds to the principle that
10 government is the servant of the people, and not the master of
11 them, it is hereby declared to be the public policy of the State
12 of Texas that all the citizens of this state are, unless otherwise
13 expressly provided by law, at all times entitled to full and
14 complete information regarding the affairs of government and the
15 official acts of those who represent them as public officials and
16 employees. The people, in delegating authority, do not give their
17 public servants the right to decide what is good for the people
18 to know and what is not good for them to know. The people insist
19 on remaining informed so that they may retain control over the
20 instruments they have created. To that end, the provisions of
21 this Act shall be liberally construed with the view of carrying
22 out the above declaration of public policy.

23 Sec. 2. DEFINITIONS. In this Act:

24 (1) "Governmental body" means:

25 (A) any board, commission, department, committee,

1

FEB 12 1973

DATE

READ AND ADOPTED

Dorothy H. [Signature]
CLERK
HOUSE OF REPRESENTATIVES

as amended, by non-record vote

JHF RBH

1 institution, agency, or office within the executive or legislative
 2 branch of the state government which is under the direction of
 3 one or more elected or appointed members;

4 (B) the commissioners court of each county and the city
 5 council or governing body of each city in the state;

6 (C) every deliberative body having rulemaking or
 7 quasi-judicial power and classified as a department, agency, or
 8 political subdivision of a county or city;

9 (D) the board of trustees of every school district, and
 10 every county board of school trustees and county board of
 11 education;

12 (E) the governing board of every special district;

(F) the part, section, or portion of every organization, corporation,
 commission, committee, institution, or agency which is supported in whole
 or in part by public funds, or which expends public funds. Public funds as
 used herein shall mean funds of the State of Texas or any governmental
 subdivision thereof;

(G) the Judiciary is not included within this definition.

~~(2) "Private legislative office" means the office of a
 member of the legislature or his staff;~~

~~(3) Private Executive Office means the personal office of the Governor
 and the Lieutenant Governor.~~

20 (X) "Public records" means the portion of all documents,
 21 writings, letters, memoranda, or other written, printed, typed,
 22 copied, or developed materials which contains public information.

23 Sec. 3. PUBLIC INFORMATION. All information collected,
 24 assembled, or maintained by governmental bodies, ^{pursuant to law} is public
 25 information and available to the public during normal business
 26 hours of any governmental body, with the following exceptions
 27 only:

(1) information deemed confidential by law;

*Official business
 of the State of Texas
 with no connection
 to any other
 law or ordinance*

(2) information in personnel or medical files, the disclosure of which would constitute an invasion of personal privacy; provided, however, that all information in personnel files of an individual employee within a governmental body is to be made available to that individual employee or his designated representative as is public information under this Act;

Insert

(3)

3 → (3) information relating to pending or forthcoming criminal prosecution or civil litigation; provided, that the Attorney General of Texas and the respective attorneys of the various political subdivisions may determine which information may be withheld from public inspection when such records pertain to pending or contemplated litigation of a criminal or civil nature and settlement negotiations, to which the state or political subdivision is, or may be, a party; or to which an officer or employee of the state or political subdivision, as a consequence of his office or employment, is or may be a party.

12 (4) information which, if released, would give advantage to competitors or bidders.

Insert

(7)

14 → (5) information pertaining to the location, appraisal or purchase price of real or personal property for public purposes prior to public announcement of the project;

17 ~~(6) information in private legislative offices;~~

18 ~~(7) information in private executive offices;~~

19 ~~(8)~~ 6 drafts and working papers involved in the preparation of proposed legislation;

21 ~~(9)~~ 7 matters in which the duty of the Attorney General of Texas or an attorney of a political subdivision, to his client, pursuant to the Rules and Canons of Ethics of the State Bar of Texas are prohibited from disclosure, or which by order of a Court are prohibited from disclosure;

Insert
(4) 25 → ~~(10)~~ 8 records of law enforcement agencies that deal with the detection and investigation of crime and the internal records and notations of law enforcement agencies which are maintained for internal use is matters relating to law enforcement.

Insert

(2)

→ (9)

Sec. 4. APPLICATION FOR PUBLIC INFORMATION. On written ~~application~~
application for public information to the custodian of information in a
governmental body by any Texas resident, the custodian shall promptly
produce such information for inspection or duplication, or both, in the
offices of the governmental body.

1 If the information is in active use or in storage and, therefore,
2 not available at the time a person asks to examine it, the
3 custodian shall certify this fact in writing to the applicant and
4 set a date and hour within three working days, at which time the
5 record will be available for the exercise of the right given by
6 this Act. Nothing in this Act shall authorize any person to
7 remove original copies of public records from the offices of any
8 governmental body without the written permission of the custodian
9 of the records.

Insert 8
10 Sec. 5. CUSTODIAN OF PUBLIC RECORDS DESCRIBED. (a) The
11 ~~custodian of public records shall be the chief administrative~~
12 ~~officer of each governmental body, and the custodian shall be~~
13 ~~responsible for the preservation and care of the public records~~
14 ~~of the governmental body.~~ It shall be the duty of the custodian
15 of public records, subject to penalties provided in this Act, to
16 see that the public records are made available for public
17 inspection and copying; that the records are carefully protected
18 and preserved from deterioration, alteration, mutilation, loss,
19 removal, or destruction; and that public records are repaired,
20 renovated, or rebound when necessary to preserve them properly.

21 (b) Neither the custodian nor his agent who controls the use of public
22 records shall make any inquiry of any person who applies for inspection or
23 copying of public records beyond the purpose of establishing his name and
24 address and the public records being requested; and neither shall the custodian
25 nor his agent review, examine, or scrutinize any copy, photograph, or memoran-
26 dum in the possession of any person requesting the public records; and the
27 custodian and

his agent shall give, grant, and extend to the person requesting public records all reasonable comfort and facility for the full exercise of the right granted by this Act.

Sec. 6. SPECIFIC INFORMATION WHICH IS PUBLIC. (a) Without limiting the meaning of other sections of this Act, the following categories of information are specifically made public information:

(1) reports, audits, evaluations, and investigations made of, for, or by, governmental bodies upon completion;

(2) the names, sex, ethnicity, salaries, title, and dates of employment of all employees and officers of governmental bodies;

(3) information in any account, voucher, or contract dealing with the receipt or expenditure of public or other funds by governmental bodies, not otherwise made confidential by law;

(4) the names of every official and the final record of voting on all proceedings in governmental bodies;

(5) all working papers, research material, and information used to make estimates of the need for, or expenditure of, public funds or taxes by any governmental body, upon completion of such

estimates.

(b) It is specifically intended by the legislature that this Act should allow any person to request public information by general category as well as specific items of information.

(c) This Act shall be liberally construed whenever any governmental body's fiscal records, audit, warrant, voucher, invoice, purchase order, requisition, payroll, check, receipt, or other record of receipt or expenditure is involved in order that the citizens of this state shall have full knowledge of the

public finances of the governmental bodies created to serve them.

Sec. 7. ATTORNEY GENERAL HEARINGS. (a) If a governmental body receives a written request for information which it considers within one of the exceptions stated in Section 3 of this Act, but there has been no previous determination that it falls within one of the exceptions, the governmental body within two working days after receiving the request must request a hearing before the attorney general to determine whether the information is within that exception. If a hearing is not requested within two working days, the information shall be presumed to be public information.

(b) The attorney general shall immediately hold an open hearing, consistent with standards of due process, to determine whether the requested information is a public record or within one of the above stated exceptions. The specific information requested shall be supplied to the attorney general but shall not be disclosed at the hearing, although information of the general type in question may be discussed. The attorney general shall issue a decision based upon the results of the hearing.

~~Sec. 8. PUBLIC INFORMATION TO BE MAINTAINED. (a) All governmental bodies are hereby instructed to continue developing, collecting, and maintaining all public records which would be of significant public interest, unless otherwise directed by statute.~~

~~(b) If a governmental body desires to cease producing public records which were being produced on or after September 1, 1972, the governmental body shall seek a public hearing with the attorney general, as described in Section 7 of this Act. After the hearing, the attorney general shall issue a decision~~

as to whether the public records are of significant public interest. Only if the attorney general is of the opinion that the public records are not of significant public interest shall the governmental body be authorized to discontinue producing and maintaining the public records.

8
Sec. ~~8~~. WRIT OF MANDAMUS. If a governmental body refuses to request an attorney general's hearing as provided in this Act, or
7 to supply public information or information which the attorney
8 general has determined to be a public record, the person requesting
9 the information or the attorney general may seek a writ of mandamus
10 compelling the governmental body to make the information available
11 for public inspection.

Insert
5 → 9
Sec. 10. COST OF COPIES OF PUBLIC RECORDS. (a) The cost to any person requesting noncertified copies of public records comprised of pages up to legal size shall not exceed 10 cents per page. The cost of copies of records larger than legal size shall be prorated on the basis of 10 cents for each legal page equivalent. Certified copies of records shall not cost the person requesting such records more than actual cost not to exceed \$1 per page.

13 (b) It shall be the policy of all governmental bodies to
14 provide suitable copies of all public records within three days
15 after the date copies were requested. Every governmental body
16 is hereby instructed to make reasonably efficient use of each
17 page of public records so as not to cause excessive costs for the
18 reproduction of public records.

24 (c) No charge shall be made for one copy of any public
25 record requested by other governmental bodies or members of the
26 legislature or their agents for the performance of public business;

"(d) The charges for copies made in the district clerk's office and the county clerk's office shall be as otherwise provided by law."

10
27 Sec. ~~11~~. PENALTIES. Any person who wilfully destroys,

1 mutilates, removes without permission as provided herein, or
2 alters public records shall be fined not less than \$25 nor more
3 than \$4,000, or imprisoned in jail not less than three days nor
4 more than three months, or both.

5 Sec. ¹¹~~12~~. PROCEDURES FOR INSPECTION OF PUBLIC RECORDS.

6 Each governmental body may promulgate reasonable rules of procedure
7 by which public records may be inspected efficiently, safely, and
8 without delay.

9 Sec. ¹²~~13~~. INTERPRETATION OF THIS ACT. (a) This Act does
10 not prohibit any governmental body or private legislative office
11 from voluntarily making part or all of its records available to
12 the public, unless expressly prohibited by law; provided that
13 such records shall then be available to any person.

14 (b) This Act does not authorize the withholding of
15 information or limit the availability of public records to the
16 public, except as expressly so provided.

17 (c) This Act does not give authority to withhold information
18 from the Legislature of the State of Texas.

19 Sec. ¹³~~14~~. SEVERABILITY. If any provision of this Act or
20 the application thereof to any person or circumstances is held
21 invalid, such invalidity shall not affect other provisions or
22 applications of the Act which can be given effect without the
23 invalid provision or application, and to this end the provisions
24 of this Act are declared to be severable.

25 Sec. ¹⁴~~15~~. EMERGENCY. The importance of this legislation
26 and the crowded condition of the calendars in both houses create
27 an emergency and an imperative public necessity that the

1 constitutional rule requiring bills to be read on three several
2 days in each house be suspended, and this rule is hereby suspended,
3 and that this Act take effect and be in force from and after its
4 passage, and it is so enacted.

AMENDMENT NO. _____

BY DENTON

Amend Committee Amendment No. 1 to H.B. 6, Section 3, by inserting the following words on line 24 of Page 10, between the words "bodies" and "is":

"pursuant to law or ordinance or in connection with the transaction of official business."

DATE FEB 12 1973

READ AND ADOPTED

Dorothy L. [Signature]
HOUSE OF REPRESENTATIVES

JH

R B K

2
AMENDMENT NO. _____

BY DENTON

Amend Committee Amendment No. 1 to H.B. 6 by striking Section 2, Paragraphs (2) and (3), on Page 10, lines 16, 17, 18, and 19; and by striking Section 3, Paragraphs (6) and (7), on Page 11, lines 23 and 24; and renumbering the remaining paragraphs to conform.

DATE **FEB 12 1973**

READ AND ADOPTED

Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

*By record vote 102 yeas
31 nays*

JHE

JPB

③
By *Wesley*

Amend Committee Amendment to H.B. 6 Section 3, Page 12,
by adding a new Section (11) as follows:

② *Insert* (11) *AND ALL* The ~~private~~ correspondence, communications, ~~or~~ records
developed therefrom of an office holder. (11)

FEB 12 1973

DATE _____

READ AND ADOPTED

Dorothy Hallman

CHIEF CLERK
HOUSE OF REPRESENTATIVES

KBT
JHF

④
AMENDMENT NO. _____

BY

W. H. H. - Denton

Amend Committee Amendment No. 1 to H.B. 6, by striking Section 3, Paragraph (3) on Page 11, and substituting the following:

Insert
③ → " (3) information relating to ~~pending or contemplated~~ litigation of a criminal or civil nature and settlement negotiations, to which the state or political subdivision is, or may be, a party, or to which an officer or employee of the state or political subdivision, as a consequence of his office or employment, is or may be a party, that the Attorney General or the respective attorneys of the various political subdivisions has determined should be withheld from public inspection; " ①

JHF

RBH

AMENDMENT NO. _____

BY

W. W. - Denton

Amend Committee Amendment No. 1 to H.B. 6 by striking Section 8,
in its entirety, and renumbering all Sections thereafter to
conform.

FEB 12 1973

RBT

DATE _____

READ AND ADOPTED

Joseph Hallman

JHF

CHIEF CLERK
HOUSE OF REPRESENTATIVES

6

by MALONEY

H.B. 6

AMENDMENT to COMMITTEE AMENDMENT No 1.

Amend H.B. 6, Committee Amendment No. 1, Sec. 3, Subsection (10) by striking said Subsection (10) and substituting therefore, the following:

~~Free~~ ⁸ → (10) RECORDS of LAW ENFORCEMENT AGENCIES THAT deal with the detection AND INVESTIGATION of CRIME AND THE INTERNAL RECORDS AND NOTATIONS of ^{SUCH} LAW ENFORCEMENT AGENCIES WHICH ARE MAINTAINED FOR INTERNAL USE IN MATTERS RELATING TO LAW ENFORCEMENT.

FEB 12 1973

DATE _____

READ AND ADOPTED
Dorothy Hallman

CHIEF CLERK
HOUSE OF REPRESENTATIVES

JHF RBJ

AMENDMENT NO. _____

BY *[Signature]*

Amend Committee Amendment No. 1 to H.B. 6 by striking Section 10 in its entirety and substituting the following:

Insert
(5) → *1* Sec. 10. COST OF COPIES OF PUBLIC RECORDS. (a) The cost to any person requesting noncertified photographic reproductions of public records comprised of pages up to legal size shall not exceed ~~10 cents per page~~ *actual cost*. The cost of such copies of records larger than legal size shall be prorated on the basis of ~~10~~ *50* cents for each legal page equivalent. The cost to any person requesting noncertified copies of public records made by any method other than photographic reproduction shall not exceed the actual cost to the governmental body for such reproduction. Certified copies of records shall not cost the person requesting such records more than ~~the actual cost not to exceed \$1 per page~~ *the of reproduction*.

(b) It shall be the policy of all governmental bodies to provide suitable copies of all public records within three days after the date copies were requested. Every governmental body is hereby instructed to make reasonably efficient use of each page of public records so as not to cause excessive costs for the reproduction of public records.

(make new Paragraph)
(c) All requests for copies of public records which exceed five hundred (500) pages in total length shall be supplied within seven (7) days after the date copies are requested. All requests for copies of public records which exceed two thousand five hundred (2500) pages in total length shall be supplied within fourteen (14) days after the date copies are requested. *(d)*

(c) The charges for copies made in the district clerk's office and the county clerk's office shall be as otherwise provided by law. *(d)*

(d) No charge shall be made for one copy of any public record requested from state agencies by members of the legislature in performance of their duties. *(e)*

FEB 12 1973

DATE

READ AND ADOPTED

as a substitute to Rodriguez

Henry Hallman

Amend

CHIEF CLERK
HOUSE OF REPRESENTATIVES

8
AMENDMENT NO, _____

Kor...
BY Leah

Amend House Bill No. 6, as amended, by adding a
Subdivision (6) to Section 6(a) to read as follows:

Insert → (6) the name, place of business, and the name of the
city to which local sales and use taxes are credited, if any,
for the named person, of persons reporting or paying sales and
use taxes under the Limited Sales, Excise, and Use Tax Act. (6)

DATE FEB 12 1973

READ AND ADOPTED

Dorothy Hallman
CLERK
HOUSE OF REPRESENTATIVES

RH

JHF

(9)

Floor Amendment No. _____

By Estelina

Amend Committee Amendment No. 1 to House Bill 6 by striking subsection (5) of Section 3 thereof and substituting therefor a new Subsection (5), as follows:

④(5) information pertaining to the location of real or personal property for public purposes prior to public announcement of the project, and information pertaining to appraisals or purchase price of real or personal property for public purposes prior to the formal award of contracts therefor.④

FEB 12 1973

DATE _____
READ AND ADOPTED
Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

RBH
JHF

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10

Amendment

By Sherman

Insert

Amend Committee Amendment No. 1
to H.B. 6 in Section 5 (a) by deleting
the first sentence thereof and substituting
therefor the following: ⁽¹⁾ The chief administra-
tive officer of the governmental body shall
be the custodian of public records, and
the custodian shall be responsible for the
preservation and care of the public
records of the governmental body. ⁽¹⁾ RBH

FEB 12 1973

DATE

JHF

READ AND ADOPTED

Dorothy Hallman

CHIEF CLERK
HOUSE OF REPRESENTATIVES

(11)

Amendment No. —

By *Baran*

Amend Committee Amendment No.

1 to H.B. 6 by striking the
words "or spoken" on line 10 and
11 of page 12

FEB 12 1973

RB12

DATE _____

READ AND ADOPTED

Dorothy Hallman

JHF

CHIEF CLERK
HOUSE OF REPRESENTATIVES

(12)

(5)

Insert - add to this amendment

Boyle

Amend H.B. 6 on page 16

by adding a new subsection
to Section 10 to read as

follows:

Insert

9 →

(e) The charges for copies made
by ~~the~~ the various municipal court
clerks of the various cities
and towns of this state shall
be as otherwise provided by
ordinance. (11)

FEB 12 1973

DATE

READ AND ADOPTED

Sarah Hallman

CHIEF CLERK
HOUSE OF REPRESENTATIVES

RBJ
JHF

① Third Reading
by Denton

AMEND the engrossed copy of House Bill 6, page 5, line 16,
by deleting the word "and" following the word "custodian" and
insert in lieu thereof the word "or".

DATE FEB 13 1973

READ AND ADOPTED

Anthony Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

RBH

Amend Committee Amendment No. 1 to H.B. 6 by striking Section 10 in its entirety and substituting the following:

"Sec. 10. COST OF COPIES OF PUBLIC RECORDS. (a) The cost to any person requesting noncertified photographic reproductions of public records comprised of pages up to legal size shall not exceed 10 cents per page. The cost of such copies of records larger than legal size shall be prorated on the basis of 10 cents for each legal page equivalent. The cost to any person requesting noncertified copies of public records made by any method other than photographic reproduction shall not exceed the actual cost to the governmental body for such reproduction. Certified copies of records shall not cost the person requesting such records more than actual cost ^{of reproduction.} ~~not to exceed \$1 per page.~~

"(b) It shall be the policy of all governmental bodies to provide suitable copies of all public records within three days after the date copies were requested. Every governmental body is hereby instructed to make reasonably efficient use of each page of public records so as not to cause excessive costs for the reproduction of public records.

"All requests for copies of public records which exceed five hundred (500) pages in total length shall be supplied within seven (7) days after the date copies are requested. All requests for copies of public records which exceed two thousand five hundred (2500) pages in total length shall be supplied within fourteen (14) days after the date copies are requested."

"(c) No charge shall be made for one copy of any public record requested by departments and institutions of state government or members of the legislature for the performance of public business; charges for photographic reproductions of public records requested by local units of governments shall not exceed the cost of such reproduction.

DATE FEB 12 1973

READ AND ADOPTED as substituted By Doran amendment

Dorothy S. Allman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

ENGROSSED
THIRD READING

By: Denton, Lary, Menefee, et al

H.B. No. 6

A BILL TO BE ENTITLED

AN ACT

relating to the accessibility of information in the custody of certain governmental agencies and bodies; prescribing penalties; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. DECLARATION OF POLICY. Pursuant to the fundamental philosophy of the American constitutional form of representative government which holds to the principle that government is the servant of the people, and not the master of them, it is hereby declared to be the public policy of the State of Texas that all the citizens of this state are, unless otherwise expressly provided by law, at all times entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created. To that end, the provisions of this Act shall be liberally construed with the view of carrying out the above declaration of public policy.

Sec. 2. DEFINITIONS. In this Act:

(1) "Governmental body" means:

(A) any board, commission, department, committee, institution, agency, or office within the executive or legislative

1 branch of the state government which is under the direction of
2 one or more elected or appointed members;

3 (B) the commissioners court of each county and the city
4 council or governing body of each city in the state;

5 (C) every deliberative body having rulemaking or
6 quasi-judicial power and classified as a department, agency, or
7 political subdivision of a county or city;

8 (D) the board of trustees of every school district, and
9 every county board of school trustees and county board of
10 education;

11 (E) the governing board of every special district;

12 (F) the part, section, or portion of every organization,
13 corporation, commission, committee, institution, or agency which
14 is supported in whole or in part by public funds, or which expends
15 public funds. Public funds as used herein shall mean funds of
16 the State of Texas or any governmental subdivision thereof;

17 (G) the Judiciary is not included within this definition.

18 (2) "Public records" means the portion of all documents,
19 writings, letters, memoranda, or other written, printed, typed,
20 copied, or developed materials which contains public information.

21 Sec. 3. PUBLIC INFORMATION. All information collected,
22 assembled, or maintained by governmental bodies pursuant to law
23 or ordinance or in connection with the transaction of official
24 business is public information and available to the public during
25 normal business hours of any governmental body, with the following
26 exceptions only:

1 (1) information deemed confidential by law;

2 (2) information in personnel or medical files, the
3 disclosure of which would constitute an invasion of personal
4 privacy; provided, however, that all information in personnel
5 files of an individual employee within a governmental body is to
6 be made available to that individual employee or his designated
7 representative as is public information under this Act;

8 (3) information relating to litigation of a criminal or
9 civil nature and settlement negotiations, to which the state or
10 political subdivision is, or may be, a party, or to which an
11 officer or employee of the state or political subdivision, as a
12 consequence of his office or employment, is or may be a party,
13 that the Attorney General or the respective attorneys of the
14 various political subdivisions has determined should be withheld
15 from public inspection;

16 (4) information which, if released, would give advantage
17 to competitors or bidders;

18 (5) information pertaining to the location of real or
19 personal property for public purposes prior to public announcement
20 of the project, and information pertaining to appraisals or
21 purchase price of real or personal property for public purposes
22 prior to the formal award of contracts therefor;

23 (6) drafts and working papers involved in the preparation
24 of proposed legislation;

25 (7) matters in which the duty of the Attorney General of
26 Texas or an attorney of a political subdivision, to his client,

1 pursuant to the Rules and Canons of Ethics of the State Bar of
2 Texas are prohibited from disclosure, or which by order of a court
3 are prohibited from disclosure;

4 (8) records of law enforcement agencies that deal with the
5 detection and investigation of crime and the internal records and
6 notations of such law enforcement agencies which are maintained
7 for internal use in matters relating to law enforcement;

8 (9) the correspondence, communications, and all records
9 developed therefrom of an office holder.

10 Sec. 4. APPLICATION FOR PUBLIC INFORMATION. On written
11 application for public information to the custodian of information
12 in a governmental body by any Texas resident, the custodian shall
13 promptly produce such information for inspection or duplication,
14 or both, in the offices of the governmental body. If the
15 information is in active use or in storage and, therefore, not
16 available at the time a person asks to examine it, the custodian
17 shall certify this fact in writing to the applicant and set a
18 date and hour within three working days, at which time the record
19 will be available for the exercise of the right given by this
20 Act. Nothing in this Act shall authorize any person to remove
21 original copies of public records from the offices of any
22 governmental body without the written permission of the custodian
23 of the records.

24 Sec. 5. CUSTODIAN OF PUBLIC RECORDS DESCRIBED. (a) The
25 chief administrative officer of the governmental body shall be
26 the custodian of public records, and the custodian shall be

1 responsible for the preservation and care of the public records
2 of the governmental body. It shall be the duty of the custodian
3 of public records, subject to penalties provided in this Act, to
4 see that the public records are made available for public
5 inspection and copying; that the records are carefully protected
6 and preserved from deterioration, alteration, mutilation, loss,
7 removal, or destruction; and that public records are repaired,
8 renovated, or rebound when necessary to preserve them properly.

9 (b) Neither the custodian nor his agent who controls the
10 use of public records shall make any inquiry of any person who
11 applies for inspection or copying of public records beyond the
12 purpose of establishing his name and address and the public records
13 being requested; and neither shall the custodian nor his agent
14 review, examine, or scrutinize any copy, photograph, or memorandum
15 in the possession of any person requesting the public records;
16 and the custodian or his agent shall give, grant, and extend to
17 the person requesting public records all reasonable comfort and
18 facility for the full exercise of the right granted by this Act.

19 Sec. 6. SPECIFIC INFORMATION WHICH IS PUBLIC. (a) Without
20 limiting the meaning of other sections of this Act, the following
21 categories of information are specifically made public information:

22 (1) reports, audits, evaluations, and investigations made
23 of, for, or by, governmental bodies upon completion;

24 (2) the names, sex, ethnicity, salaries, title, and dates
25 of employment of all employees and officers of governmental bodies;

26 (3) information in any account, voucher, or contract dealing

1 with the receipt or expenditure of public or other funds by
2 governmental bodies, not otherwise made confidential by law;

3 (4) the names of every official and the final record of
4 voting on all proceedings in governmental bodies;

5 (5) all working papers, research material, and information
6 used to make estimates of the need for, or expenditure of, public
7 funds or taxes by any governmental body, upon completion of such
8 estimates;

9 (6) the name, place of business, and the name of the city
10 to which local sales and use taxes are credited, if any, for the
11 named person, of persons reporting or paying sales and use taxes
12 under the Limited Sales, Excise, and Use Tax Act.

13 (b) It is specifically intended by the legislature that
14 this Act should allow any person to request public information
15 by general category as well as specific items of information.

16 (c) This Act shall be liberally construed whenever any
17 governmental body's fiscal records, audit, warrant, voucher,
18 invoice, purchase order, requisition, payroll, check, receipt,
19 or other record of receipt or expenditure is involved in order
20 that the citizens of this state shall have full knowledge of the
21 public finances of the governmental bodies created to serve them.

22 Sec. 7. ATTORNEY GENERAL HEARINGS. (a) If a governmental
23 body receives a written request for information which it considers
24 within one of the exceptions stated in Section 3 of this Act, but
25 there has been no previous determination that it falls within one
26 of the exceptions, the governmental body within two working days

1 after receiving the request must request a hearing before the
2 attorney general to determine whether the information is within
3 that exception. If a hearing is not requested within two working
4 days, the information shall be presumed to be public information.

5 (b) The attorney general shall immediately hold an open
6 hearing, consistent with standards of due process, to determine
7 whether the requested information is a public record or within
8 one of the above stated exceptions. The specific information
9 requested shall be supplied to the attorney general but shall not
10 be disclosed at the hearing, although information of the general
11 type in question may be discussed. The attorney general shall
12 issue a decision based upon the results of the hearing.

13 Sec. 8. WRIT OF MANDAMUS. If a governmental body refuses
14 to request an attorney general's hearing as provided in this Act,
15 or to supply public information or information which the attorney
16 general has determined to be a public record, the person requesting
17 the information or the attorney general may seek a writ of mandamus
18 compelling the governmental body to make the information available
19 for public inspection.

20 Sec. 9. COST OF COPIES OF PUBLIC RECORDS. (a) The cost
21 to any person requesting noncertified photographic reproductions
22 of public records comprised of pages up to legal size shall not
23 exceed actual cost. The cost of such copies of records larger
24 than legal size shall be prorated on the basis of 50 cents for
25 each legal page equivalent. The cost to any person requesting
26 noncertified copies of public records made by any method other

1 than photographic reproduction shall not exceed the actual cost
2 to the governmental body for such reproduction. Certified copies
3 of records shall not cost the person requesting such records more
4 than the actual cost of reproduction.

5 (b) It shall be the policy of all governmental bodies to
6 provide suitable copies of all public records within three days
7 after the date copies were requested. Every governmental body
8 is hereby instructed to make reasonably efficient use of each
9 page of public records so as not to cause excessive costs for the
10 reproduction of public records.

11 All requests for copies of public records which exceed five
12 hundred (500) pages in total length shall be supplied within seven
13 (7) days after the date copies are requested. All requests for
14 copies of public records which exceed two thousand five hundred
15 (2500) pages in total length shall be supplied within fourteen
16 (14) days after the date copies are requested.

17 (c) The charges for copies made in the district clerk's
18 office and the county clerk's office shall be as otherwise provided
19 by law.

20 (d) No charge shall be made for one copy of any public
21 record requested from state agencies by members of the legislature
22 in performance of their duties.

23 (e) The charges for copies made by the various municipal
24 court clerks of the various cities and towns of this state shall
25 be as otherwise provided by ordinance.

26 Sec. 10. PENALTIES. Any person who wilfully destroys,

1 mutilates, removes without permission as provided herein, or
2 alters public records shall be fined not less than \$25 nor more
3 than \$4,000, or imprisoned in jail not less than three days nor
4 more than three months, or both.

5 Sec. 11. PROCEDURES FOR INSPECTION OF PUBLIC RECORDS.

6 Each governmental body may promulgate reasonable rules of procedure
7 by which public records may be inspected efficiently, safely, and
8 without delay.

9 Sec. 12. INTERPRETATION OF THIS ACT. (a) This Act does
10 not prohibit any governmental body or private legislative office
11 from voluntarily making part or all of its records available to
12 the public, unless expressly prohibited by law; provided that
13 such records shall then be available to any person.

14 (b) This Act does not authorize the withholding of
15 information or limit the availability of public records to the
16 public, except as expressly so provided.

17 (c) This Act does not give authority to withhold information
18 from the Legislature of the State of Texas.

19 Sec. 13. SEVERABILITY. If any provision of this Act or
20 the application thereof to any person or circumstances is held
21 invalid, such invalidity shall not affect other provisions or
22 applications of the Act which can be given effect without the
23 invalid provision or application, and to this end the provisions
24 of this Act are declared to be severable.

25 Sec. 14. EMERGENCY. The importance of this legislation
26 and the crowded condition of the calendars in both houses create

H.B. No. 6

1 an emergency and an imperative public necessity that the
2 constitutional rule requiring bills to be read on three several
3 days in each house be suspended, and this rule is hereby suspended,
4 and that this Act take effect and be in force from and after its
5 passage, and it is so enacted.

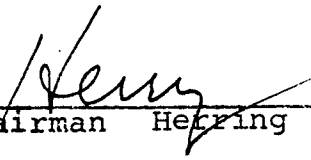
Austin, Texas

May 16, 19 73

Honorable William P. Hobby
President of the Senate

Sir:

We, your Committee on Jurisprudence,
to which was referred H. B. No. 6, have had the same under
consideration, and I am instructed to report it back to the Senate
with the recommendation that it do not pass, but that the
Committee Substitute adopted in lieu thereof do pass and be
printed.


Chairman Herring

CAS

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LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

February 5, 1973

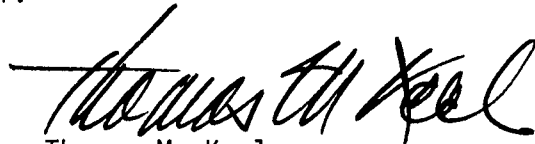
Honorable David Finney, Chairman
Committee on State Affairs
House of Representatives
Austin, Texas 78701

In Re: House Bill No. 6
By: Denton, et al

Sir:

In response to your request and pursuant to House Rule VIII, Section 27, this office finds the fiscal implications and probable cost of House Bill No. 6 (relating to the accessibility of information in the custody of certain governmental agencies and bodies) to be as follows:

1. The bill makes no appropriation.
2. The additional effort which this bill might require of State governmental bodies can, in most cases, be absorbed by existing staff. This assumes that the requests for public information addressed to State agencies will not increase appreciably under the provisions of this bill. In that event, no significant fiscal implication is anticipated should House Bill No. 6 become law. If the assumption is erroneous, and requests should be more voluminous than expected, then the bill could result in requests for additional staff.



Thomas M. Keel
Legislative Budget Director

A BILL TO BE ENTITLED
AN ACT

relating to the accessibility of information in the custody of certain governmental agencies and bodies; prescribing penalties; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. DECLARATION OF POLICY. Pursuant to the fundamental philosophy of the American constitutional form of representative government which holds to the principle that government is the servant of the people, and not the master of them, it is hereby declared to be the public policy of the State of Texas that all persons ~~[the citizens of this state]~~ are, unless otherwise expressly provided by law, at all times entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created. To that end, the provisions of this Act shall be liberally construed with the view of carrying out the above declaration of public policy.

Sec. 2. DEFINITIONS. In this Act:

(1) "Governmental body" means:

(A) any board, commission, department, committee, institution, agency, or office within the executive or legislative branch of the state government, or which is created by either the executive or legislative branch of the state government, and which is under the direction of one or more elected or appointed members;

ADOPTED

AS Amended
MAY 17 1973

SECRETARY OF SENATE

(B) the commissioners court of each county and the city council or governing body of each city in the state;

(C) every deliberative body having rulemaking or quasi-judicial power and classified as a department, agency, or political subdivision of a county or city;

(D) the board of trustees of every school district, and every county board of school trustees and county board of education;

(E) the governing board of every special district;

(F) the part, section, or portion of every organization, corporation, commission, committee, institution, or agency which is supported in whole or in part by public funds, or which expends public funds. Public funds as used herein shall mean funds of the State of Texas or any governmental subdivision thereof;

(G) the Judiciary is not included within this definition.

(2) "Public records" means the portion of all documents, writings, letters, memoranda, or other written, printed, typed, copied, or developed materials which contains public information.

Sec. 3. PUBLIC INFORMATION. (a) All information collected, assembled, or maintained by governmental bodies pursuant to law or ordinance or in connection with the transaction of official business is public information and available to the public during normal business hours of any governmental body, with the following exceptions only:

(1) information deemed confidential by law, either Constitutional, statutory, or by judicial decision,

(2) information in personnel ~~[or medical]~~ files, the disclosure of which would constitute a [an] clearly unwarranted invasion of personal privacy; provided, however, that all information in personnel files of an individual employee within a governmental body is to be made available to that individual employee or his designated representative as is public information under this Act;

(3) information relating to litigation of a criminal or civil nature and settlement negotiations, to which the state or political subdivision is, or may be, a party, or to which an officer or employee of the state or political subdivision, as a consequence of his office or employment, is or may be a party, that the Attorney General or the respective attorneys of the various political subdivisions has determined should be withheld from public inspection;

(4) information which, if released, would give advantage to competitors or bidders;

(5) information pertaining to the location of real or personal property for public purposes prior to public announcement of the project, and information pertaining to appraisals or purchase price of real or personal property for public purposes prior to the formal award of contracts therefor;

(6) drafts and working papers involved in the preparation of proposed legislation;

(7) matters in which the duty of the Attorney General of Texas or an attorney of a political subdivision, to his client, pursuant to the Rules and Canons of Ethics of the State Bar of Texas are prohibited from disclosure, or which by order of a court are prohibited from disclosure;

(8) records of law enforcement agencies that deal with the detection and investigation of crime and the internal records and notations of such law enforcement agencies which are maintained for internal use in matters relating to law enforcement;

(9) private correspondence and communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy;

~~(10) information related solely to the internal personnel rules and practices of an agency;~~

(10) trade secrets and commercial or financial information obtained from a person and privileged or confidential by statute or judicial decision;

See
all
relevant
sections

¹¹
(12) inter-agency or intra-agency memorandums or letters
which would not be available by law to a party other than one in
litigation with the agency;

¹²
(13) information contained in or related to examination,
operating, or condition reports prepared by, on behalf of, or
for the use of an agency responsible for the regulation or
supervision of financial institutions, and/or securities, as
that term is defined in the Texas Securities Act;

¹³
(14) geological and geophysical information and data
including maps concerning wells, ¹⁴ and ¹⁵ other ¹⁶ information.

¹⁴
(15) student records at educational institutions funded
wholly, or in part, by state revenue; but such records shall be
made available upon request of educational institution personnel,
the student involved, or that student's parent, legal guardian,
or spouse;

¹⁵
(16) birth and death records maintained by the Bureau
of Vital Statistics in the State of Texas.

¹⁶
(b) This section does not authorize withholding of information
or limit the availability of records to the public, except as
specifically stated in this section. This section is not authority
to withhold information from individual members or committees of
the Legislature to use for legislative purposes.

¹⁷
(c) The custodian of the records may in any instance
within his discretion make public any information contained within
Section 3, Subsection (a) 6, 9, 10, 12, and 15.

¹⁸
(d) It is not intended that the custodian of public records
may be called upon to perform general research within the reference
and research archives and holdings of state libraries.

Sec. 4. APPLICATION FOR PUBLIC INFORMATION. On

~~[written]~~ application for public information to the custodian of information in a governmental body by any person, ~~[Texas resident]~~, the custodian shall promptly produce such information for inspection or duplication, or both, in the offices of the governmental body. If the information is in active use or in storage and, therefore, not available at the time a person asks to examine it, the custodian shall certify this fact in writing to the applicant and set a date and hour within a reasonable time ~~[three working days]~~, when ~~[at which time]~~ the record will be available for the exercise of the right given by this Act. Nothing in this Act shall authorize any person to remove original copies of public records from the offices of any governmental body without the written permission of the custodian of the records.

Sec. 5. CUSTODIAN OF PUBLIC RECORDS DESCRIBED. (a) The chief administrative officer of the governmental body shall be the custodian of public records, and the custodian shall be responsible for the preservation and care of the public records of the governmental body. It shall be the duty of the custodian of public records, subject to penalties provided in this Act, to see that the public records are made available for public inspection and copying; that the records are carefully protected

*See
under
9
prints*

and preserved from deterioration, alteration, mutilation, loss, removal, or destruction; and that public records are repaired, renovated, or rebound when necessary to preserve them properly. When records are no longer currently in use, it shall be within the discretion of the agency to determine a period of time for which said records will be preserved.

(b) Neither the custodian nor his agent who controls the use of public records shall make any inquiry of any person who applies for inspection or copying of public records beyond the purpose of establishing proper identification [~~his name and address~~] and the public records being requested; [~~and neither shall the custodian nor his agent review, examine, or scrutinize any copy, photograph, or memorandum in the possession of any person requesting the public records,~~] and the custodian or his agent shall give, grant, and extend to the person requesting public records all reasonable comfort and facility for the full exercise of the right granted by this Act.

Sec. 6. SPECIFIC INFORMATION WHICH IS PUBLIC. (a) Without limiting the meaning of other sections of this Act, the following categories of information are specifically made public information:

- (1) reports, audits, evaluations, and investigations made of, for, or by, governmental bodies upon completion;
- (2) the names, sex, ethnicity, salaries, title, and dates of employment of all employees and officers of governmental bodies;
- (3) information in any account, voucher, or contract dealing with the receipt or expenditure of public or other funds by governmental bodies, not otherwise made confidential by law;
- (4) the names of every official and the final record of voting on all proceedings in governmental bodies;
- (5) all working papers, research material, and information used to make estimates of the need for, or expenditure of, public funds or taxes by any governmental body, upon completion of such estimates;

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(6) the name, place of business, and the name of the city to which local sales and use taxes are credited, if any, for the named person, of persons reporting or paying sales and use taxes under the Limited Sales, Excise, and Use Tax Act;

(7) descriptions of an agency's central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(8) statements of the general course and method by which an agency's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(9) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(10) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency;

(11) each amendment, revisions, or repeal of 7, 8, 9 and 10 above;

(12) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(13) statements of policy and interpretations which have been adopted by the agency;

(14) administrative staff manuals and instructions to staff that affect a member of the public;

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Senate
Sec. 7

(15) Information concerning the agency's policy...
Sec. 7. ATTORNEY GENERAL OPINIONS [HEARINGS]

(a) If a governmental body receives a written request for information which it considers within one of the exceptions stated in Section 3 of this Act, but

there has been no previous determination that it falls within one of the exceptions, the governmental body within a reasonable time, no later than ten ~~[two-working]~~ days, after receiving a written ~~[the]~~ request must request a decision from ~~[hearing-before]~~ the attorney general to determine whether the information is within that exception. If a decision ~~[hearing]~~ is not so requested ~~[within-two-working-days]~~, the information shall be presumed to be public information.

(b) The attorney general shall forthwith render a decision, ~~[immediately-held-an-open-hearing]~~ consistent with standards of due process, to determine whether the requested information is a public record or within one of the above stated exceptions. The specific information requested shall be supplied to the attorney general but shall not be disclosed until a final determination has been made ~~[at-the-hearing, -although-information-of-the-general-type-in-question-may-be-discussed]~~. The attorney general shall issue a written opinion ~~[decision]~~ based upon the determination made on the request ~~[results-of-the-hearing]~~.

Sec. 8. WRIT OF MANDAMUS. If a governmental body refuses to request an attorney general's decision ~~[hearing]~~ as provided in this Act, or to supply public information or information which the attorney general has determined to be a public record, the person requesting the information or the attorney general may seek a writ of mandamus compelling the governmental body to make the information available for public inspection.

Sec. 9. COST OF COPIES OF PUBLIC RECORDS. (a) The cost to any person requesting noncertified photographic reproductions of public records comprised of pages up to legal size shall not be excessive ~~[exceed-actual-cost]~~. The State Board of Control shall from time to time determine the actual cost of standard size reproductions and shall periodically publish these cost figures for use by agencies in determining charges to be made pursuant to this Act.

^{5/11/81} (b) Charges made for access to public records comprised in any ~~form~~ ^{form} other than up to standard sized pages or in computer record banks, microfilm records, or other similar record keeping

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systems, shall be set upon consultation between the custodian of the records and the State Board of Control, giving due consideration to the expenses involved in providing the public records making every effort to match the charges with the actual cost of providing the records.

(c) It shall be the policy of all governmental bodies to provide suitable copies of all public records within a reasonable period of time [~~three-days~~] after the date copies were requested. Every governmental body is hereby instructed to make reasonably efficient use of each page of public records so as not to cause excessive costs for the reproduction of public records.

(d) The charges for copies made in the district clerk's office and the county clerk's office shall be as otherwise provided by law.

(e) No charge shall be made for one copy of any public record requested from state agencies by members of the legislature in performance of their duties.

(f) The charges for copies made by the various municipal court clerks of the various cities and towns of this state shall be as otherwise provided by ordinance.

Sec. 10. DISTRIBUTION OF CONFIDENTIAL INFORMATION PROHIBITED.

(a) Information deemed confidential under the terms of this Act shall not be distributed.

(b) Any person who violates Section 10(a) of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by confinement in the county jail not to exceed six (6) months or fined in an amount not to exceed \$1,000, or by both such fine and confinement.

→ Sec. 12. PENALTIES. Any person who wilfully destroys, mutilates, removes without permission as provided herein, or alters public records shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$25 nor more than \$4,000, or confined [~~imprisoned~~] in the county jail not less than three days nor more than three months, or both such fine and confinement.

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Sec. 12³ PROCEDURES FOR INSPECTION OF PUBLIC RECORDS.

Each governmental body may promulgate reasonable rules of procedure by which public records may be inspected efficiently, safely, and without delay.

Sec. 13⁴ INTERPRETATION OF THIS ACT. (a) This Act does not prohibit any governmental body [~~ex-private-legislative-office~~] from voluntarily making part or all of its records available to the public, unless expressly prohibited by law; provided that such records shall then be available to any person.

(b) This Act does not authorize the withholding of information or limit the availability of public records to the public, except as expressly so provided.

(c) This Act does not give authority to withhold information from individual members or committees of the Legislature of the State of Texas *to use for legislative purposes*

(d) This Act shall be liberally construed in favor of the granting of any request for information.

Sec. 14⁵ SEVERABILITY. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 15⁶ EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

AMENDMENT NO. _____

BY

Henry

Amend C.S.H.B. 6, Page 3, by striking Section 3(a)(10) in its entirety.

ADOPTED

MAY 17 1973

Charles Schuab

SECRETARY OF SENATE

(H)

PKH
255

AMENDMENT NO. _____

BY _____

Henry

②

Amend C.S.H.B. 6, Page 4, Section 3(c) by striking the number "15" where it appears at the end of that section and substituting therefor the number "16".

RBT
RE

ADOPTED

MAY 17 1973

Charles Schuck

SECRETARY OF SENATE

②

(3)

Amend Sec 3
sub-section 14 by
adding the words
"except information
filed in connection
with an application
or proceeding before any
Agency."

Rev RBH

ADOPTED

MAY 17 1973

Frank Schuab

SECRETARY OF SENATE

no. (4)

AMENDMENT NO. _____

BY *Rekin*

Amend the Committee Substitute for House Bill No. 6 as follows:

(1) Strike the period at the conclusion of Subdivision (16), Subsection (a), Section 3, and substitute a semicolon.

(2) Insert a Subdivision (17) to Subsection (a), Section 3, to read as follows:

"(17) the audit working papers of the State Auditor."

ADOPTED

MAY 17 1973

Charles Schuch

SECRETARY OF SENATE

RBH
RES

(4)

Amendment
no. ⑤

Add a new Sec. 11 and renumbering
the succeeding sections accordingly:

→ Sec. 11. A bond for payment of
costs for the preparation of such
public records, or a prepayment in
cash of the anticipated costs ~~of~~ for
the preparation of such records,
may be required by the head
of ~~and~~ the department or agency
~~either~~ as a condition precedent to
the preparation of such record,
~~under the following conditions:~~
~~will~~

~~(A)~~ where the record is unduly costly
and its reproduction would cause
undue hardship to the department
or agency if the costs were not paid.

~~(B) where the department or agency
has reason to believe the person or
persons seeking the record are acting
in bad faith.~~

ADOPTED

MAY 17 1973

⑤

JPH
RSC

Charles Schuch
SECRETARY OF SENATE

Austin, Texas

February 6, 1973

TO THE SENATE OF THE SIXTY-THIRD LEGISLATURE, REGULAR
SESSION:

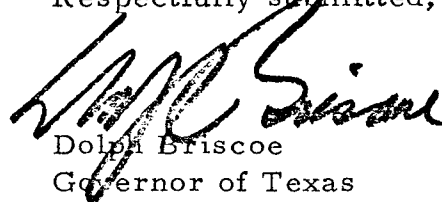
I ask the advice, consent and confirmation of the Senate with
respect to the following appointment:

TO BE A MEMBER OF THE TEXAS WATER RIGHTS COMMISSION:

For a six-year term to expire February 1, 1979:

MR. JOE D. CARTER, of Austin, Travis County, Texas for
reappointment.

Respectfully submitted,



Dolph Briscoe
Governor of Texas

(6)

Amend CS#B6

by Palmer

by adding a new subsection 15 to
Section 6 of said 6.11 to read
as follows:

~~Policy~~ " (15) Information currently ~~by agency policy~~ recorded ^{by agency policy} or open to the public."

ADOPTED

MAY 17 1973

Charles Schuck
SECRETARY OF SENATE

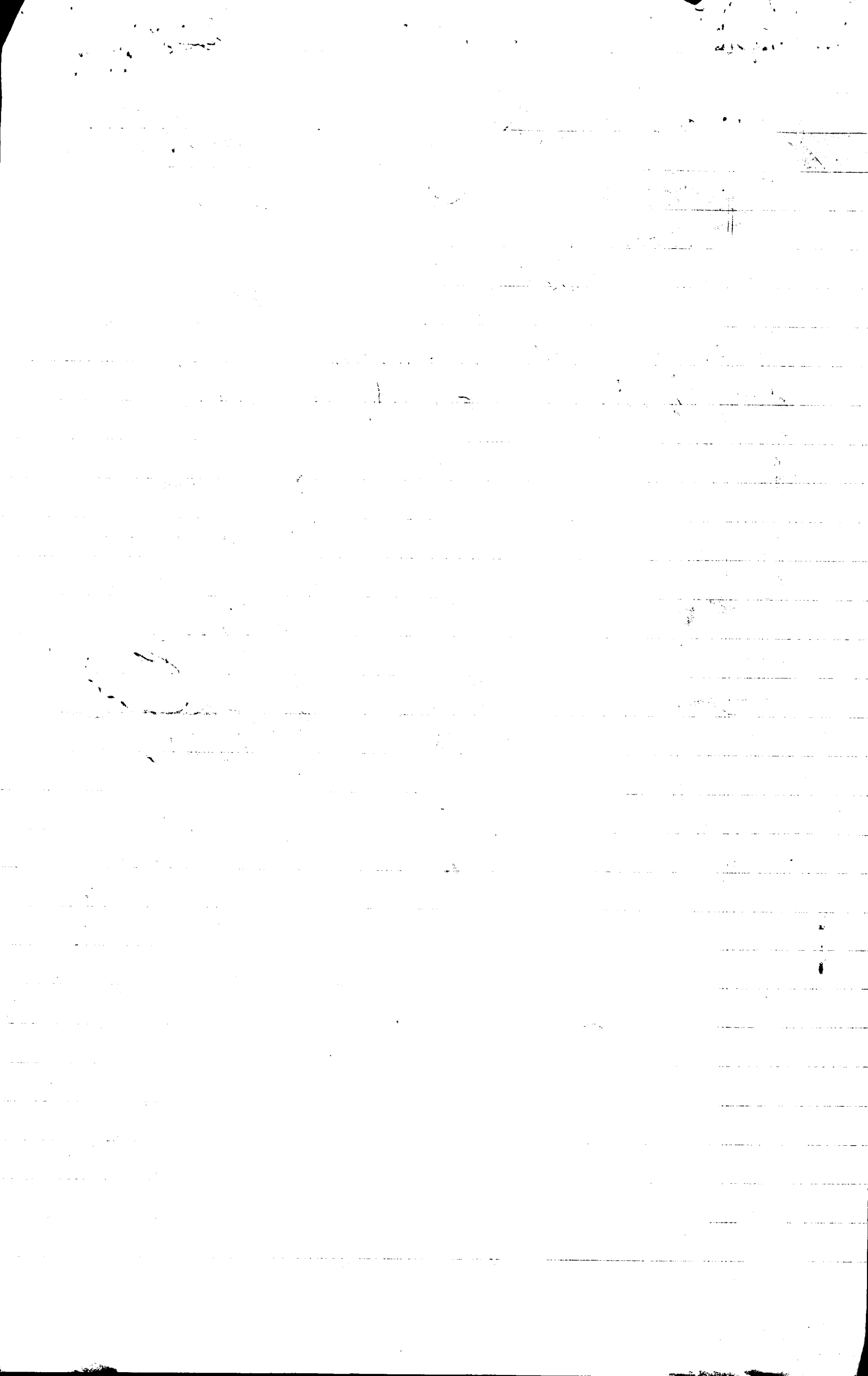
R13
RES

Amend caption to conform to body
of bill.

ADOPTED

MAY 17 1973

Charles Schuck
SECRETARY OF SENATE



ENROLLED

H.B. No. 6

AN ACT

relating to the accessibility of information in the custody of certain governmental agencies and bodies; prescribing penalties; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. DECLARATION OF POLICY. Pursuant to the fundamental philosophy of the American constitutional form of representative government which holds to the principle that government is the servant of the people, and not the master of them, it is hereby declared to be the public policy of the State of Texas that all persons are, unless otherwise expressly provided by law, at all times entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created. To that end, the provisions of this Act shall be liberally construed with the view of carrying out the above declaration of public policy.

Sec. 2. DEFINITIONS. In this Act:

(1) "Governmental body" means:

(A) any board, commission, department, committee, institution, agency, or office within the executive or legislative

1 branch of the state government, or which is created by either the
2 executive or legislative branch of the state government, and which
3 is under the direction of one or more elected or appointed members;

4 (B) the commissioners court of each county and the
5 city council or governing body of each city in the state;

6 (C) every deliberative body having rulemaking or
7 quasi-judicial power and classified as a department, agency, or
8 political subdivision of a county or city;

9 (D) the board of trustees of every school district,
10 and every county board of school trustees and county board of
11 education;

12 (E) the governing board of every special district;

13 (F) the part, section, or portion of every
14 organization, corporation, commission, committee, institution,
15 or agency which is supported in whole or in part by public funds,
16 or which expends public funds. Public funds as used herein shall
17 mean funds of the State of Texas or any governmental subdivision
18 thereof;

19 (G) the Judiciary is not included within this
20 definition.

21 (2) "Public records" means the portion of all documents,
22 writings, letters, memoranda, or other written, printed, typed,
23 copied, or developed materials which contains public information.

24 Sec. 3. PUBLIC INFORMATION. (a) All information collected,
25 assembled, or maintained by governmental bodies pursuant to law
26 or ordinance or in connection with the transaction of official

1 business is public information and available to the public during
2 normal business hours of any governmental body, with the following
3 exceptions only:

4 (1) information deemed confidential by law, either
5 Constitutional, statutory, or by judicial decision;

6 (2) information in personnel files, the disclosure of which
7 would constitute a clearly unwarranted invasion of personal
8 privacy; provided, however, that all information in personnel
9 files of an individual employee within a governmental body is to
10 be made available to that individual employee or his designated
11 representative as is public information under this Act;

12 (3) information relating to litigation of a criminal or
13 civil nature and settlement negotiations, to which the state or
14 political subdivision is, or may be, a party, or to which an
15 officer or employee of the state or political subdivision, as a
16 consequence of his office or employment, is or may be a party,
17 that the attorney general or the respective attorneys of the
18 various political subdivisions has determined should be withheld
19 from public inspection;

20 (4) information which, if released, would give advantage
21 to competitors or bidders;

22 (5) information pertaining to the location of real or
23 personal property for public purposes prior to public announcement
24 of the project, and information pertaining to appraisals or
25 purchase price of real or personal property for public purposes
26 prior to the formal award of contracts therefor;

1 (6) drafts and working papers involved in the preparation
2 of proposed legislation;

3 (7) matters in which the duty of the Attorney General of
4 Texas or an attorney of a political subdivision, to his client,
5 pursuant to the Rules and Canons of Ethics of the State Bar of
6 Texas are prohibited from disclosure, or which by order of a court
7 are prohibited from disclosure;

8 (8) records of law enforcement agencies that deal with the
9 detection and investigation of crime and the internal records and
10 notations of such law enforcement agencies which are maintained
11 for internal use in matters relating to law enforcement;

12 (9) private correspondence and communications of an elected
13 office holder relating to matters the disclosure of which would
14 constitute an invasion of privacy;

15 (10) trade secrets and commercial or financial information
16 obtained from a person and privileged or confidential by statute
17 or judicial decision;

18 (11) inter-agency or intra-agency memorandums or letters
19 which would not be available by law to a party other than one in
20 litigation with the agency;

21 (12) information contained in or related to examination,
22 operating, or condition reports prepared by, on behalf of, or for
23 the use of an agency responsible for the regulation or supervision
24 of financial institutions, and/or securities, as that term is
25 defined in the Texas Securities Act;

26 (13) geological and geophysical information and data

1 including maps concerning wells, except information filed in
2 connection with an application or proceeding before any agency;

3 (14) student records at educational institutions funded
4 wholly, or in part, by state revenue; but such records shall be
5 made available upon request of educational institution personnel,
6 the student involved, or that student's parent, legal guardian,
7 or spouse;

8 (15) birth and death records maintained by the Bureau of
9 Vital Statistics in the State of Texas;

10 (16) the audit working papers of the State Auditor.

11 (b) This section does not authorize withholding of
12 information or limit the availability of records to the public,
13 except as specifically stated in this section. This section is
14 not authority to withhold information from individual members or
15 committees of the legislature to use for legislative purposes.

16 (c) The custodian of the records may in any instance within
17 his discretion make public any information contained within Section
18 3, Subsection (a) 6, 9, 11, and 15.

19 (d) It is not intended that the custodian of public records
20 may be called upon to perform general research within the reference
21 and research archives and holdings of state libraries.

22 Sec. 4. APPLICATION FOR PUBLIC INFORMATION. On application
23 for public information to the custodian of information in a
24 governmental body by any person, the custodian shall promptly
25 produce such information for inspection or duplication, or both,
26 in the offices of the governmental body. If the information is

1 in active use or in storage and, therefore, not available at the
2 time a person asks to examine it, the custodian shall certify
3 this fact in writing to the applicant and set a date and hour
4 within a reasonable time when the record will be available for
5 the exercise of the right given by this Act. Nothing in this Act
6 shall authorize any person to remove original copies of public
7 records from the offices of any governmental body without the
8 written permission of the custodian of the records.

9 Sec. 5. CUSTODIAN OF PUBLIC RECORDS DESCRIBED. (a) The
10 chief administrative officer of the governmental body shall be
11 the custodian of public records, and the custodian shall be
12 responsible for the preservation and care of the public records
13 of the governmental body. It shall be the duty of the custodian
14 of public records, subject to penalties provided in this Act, to
15 see that the public records are made available for public
16 inspection and copying; that the records are carefully protected
17 and preserved from deterioration, alteration, mutilation, loss,
18 removal, or destruction; and that public records are repaired,
19 renovated, or rebound when necessary to preserve them properly.
20 When records are no longer currently in use, it shall be within
21 the discretion of the agency to determine a period of time for
22 which said records will be preserved.

23 (b) Neither the custodian nor his agent who controls the
24 use of public records shall make any inquiry of any person who
25 applies for inspection or copying of public records beyond the
26 purpose of establishing proper identification and the public

1 records being requested; and the custodian or his agent shall
2 give, grant, and extend to the person requesting public records
3 all reasonable comfort and facility for the full exercise of the
4 right granted by this Act.

5 Sec. 6. SPECIFIC INFORMATION WHICH IS PUBLIC. (a) Without
6 limiting the meaning of other sections of this Act, the following
7 categories of information are specifically made public information:

8 (1) reports, audits, evaluations, and investigations made
9 of, for, or by, governmental bodies upon completion;

10 (2) the names, sex, ethnicity, salaries, title, and dates
11 of employment of all employees and officers of governmental bodies;

12 (3) information in any account, voucher, or contract dealing
13 with the receipt or expenditure of public or other funds by
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15 (4) the names of every official and the final record of
16 voting on all proceedings in governmental bodies;

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18 used to make estimates of the need for, or expenditure of, public
19 funds or taxes by any governmental body, upon completion of such
20 estimates;

21 (6) the name, place of business, and the name of the city
22 to which local sales and use taxes are credited, if any, for the
23 named person, of persons reporting or paying sales and use taxes
24 under the Limited Sales, Excise, and Use Tax Act;

25 (7) descriptions of an agency's central and field
26 organization and the established places at which, the employees

1 (and in the case of a uniformed service, the members) from whom,
2 and the methods whereby, the public may obtain information, make
3 submittals or requests, or obtain decisions;

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13 as authorized by law, and statements of general policy or
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15 by the agency;

16 (11) each amendment, revisions, or repeal of 7, 8, 9 and
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18 (12) final opinions, including concurring and dissenting
19 opinions, as well as orders, made in the adjudication of cases;

20 (13) statements of policy and interpretations which have
21 been adopted by the agency;

22 (14) administrative staff manuals and instructions to staff
23 that affect a member of the public;

24 (15) information currently regarded by agency policy as
25 open to the public.

26 Sec. 7. ATTORNEY GENERAL OPINIONS. (a) If a governmental

1 body receives a written request for information which it considers
2 within one of the exceptions stated in Section 3 of this Act, but
3 there has been no previous determination that it falls within one
4 of the exceptions, the governmental body within a reasonable time,
5 no later than ten days, after receiving a written request must
6 request a decision from the attorney general to determine whether
7 the information is within that exception. If a decision is not
8 so requested, the information shall be presumed to be public
9 information.

10 (b) The attorney general shall forthwith render a decision,
11 consistent with standards of due process, to determine whether
12 the requested information is a public record or within one of the
13 above stated exceptions. The specific information requested shall
14 be supplied to the attorney general but shall not be disclosed
15 until a final determination has been made. The attorney general
16 shall issue a written opinion based upon the determination made
17 on the request.

18 Sec. 8. WRIT OF MANDAMUS. If a governmental body refuses
19 to request an attorney general's decision as provided in this
20 Act, or to supply public information or information which the
21 attorney general has determined to be a public record, the person
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24 information available for public inspection.

25 Sec. 9. COST OF COPIES OF PUBLIC RECORDS. (a) The cost
26 to any person requesting noncertified photographic reproductions

1 of public records comprised of pages up to legal size shall not
2 be excessive. The State Board of Control shall from time to time
3 determine the actual cost of standard size reproductions and shall
4 periodically publish these cost figures for use by agencies in
5 determining charges to be made pursuant to this Act.

6 (b) Charges made for access to public records comprised
7 in any form other than up to standard sized pages or in computer
8 record banks, microfilm records, or other similar record keeping
9 systems, shall be set upon consultation between the custodian of
10 the records and the State Board of Control, giving due
11 consideration to the expenses involved in providing the public
12 records making every effort to match the charges with the actual
13 cost of providing the records.

14 (c) It shall be the policy of all governmental bodies to
15 provide suitable copies of all public records within a reasonable
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18 use of each page of public records so as not to cause excessive
19 costs for the reproduction of public records.

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21 office and the county clerk's office shall be as otherwise provided
22 by law.

23 (e) No charge shall be made for one copy of any public
24 record requested from state agencies by members of the legislature
25 in performance of their duties.

26 (f) The charges for copies made by the various municipal

1 court clerks of the various cities and towns of this state shall
2 be as otherwise provided by ordinance.

3 Sec. 10. DISTRIBUTION OF CONFIDENTIAL INFORMATION
4 PROHIBITED. (a) Information deemed confidential under the terms
5 of this Act shall not be distributed.

6 (b) Any person who violates Section 10(a) of this Act shall
7 be deemed guilty of a misdemeanor and upon conviction shall be
8 punished by confinement in the county jail not to exceed six (6)
9 months or fined in an amount not to exceed \$1,000, or by both
10 such fine and confinement.

11 Sec. 11. A bond for payment of costs for the preparation
12 of such public records, or a prepayment in cash of the anticipated
13 costs for the preparation of such records, may be required by the
14 head of the department or agency as a condition precedent to the
15 preparation of such record where the record is unduly costly and
16 its reproduction would cause undue hardship to the department or
17 agency if the costs were not paid.

18 Sec. 12. PENALTIES. Any person who wilfully destroys,
19 mutilates, removes without permission as provided herein, or
20 alters public records shall be guilty of a misdemeanor and upon
21 conviction shall be fined not less than \$25 nor more than \$4,000,
22 or confined in the county jail not less than three days nor more
23 than three months, or both such fine and confinement.

24 Sec. 13. PROCEDURES FOR INSPECTION OF PUBLIC RECORDS.
25 Each governmental body may promulgate reasonable rules of procedure
26 by which public records may be inspected efficiently, safely, and

1 without delay.

2 Sec. 14. INTERPRETATION OF THIS ACT. (a) This Act does
3 not prohibit any governmental body from voluntarily making part
4 or all of its records available to the public, unless expressly
5 prohibited by law; provided that such records shall then be
6 available to any person.

7 (b) This Act does not authorize the withholding of
8 information or limit the availability of public records to the
9 public, except as expressly so provided.

10 (c) This Act does not give authority to withhold information
11 from individual members or committees of the Legislature of the
12 State of Texas to use for legislative purposes.

13 (d) This Act shall be liberally construed in favor of the
14 granting of any request for information.

15 Sec. 15. SEVERABILITY. If any provision of this Act or
16 the application thereof to any person or circumstances is held
17 invalid, such invalidity shall not affect other provisions or
18 applications of the Act which can be given effect without the
19 invalid provision or application, and to this end the provisions
20 of this Act are declared to be severable.

21 Sec. 16. EMERGENCY. The importance of this legislation
22 and the crowded condition of the calendars in both houses create
23 an emergency and an imperative public necessity that the
24 constitutional rule requiring bills to be read on three several
25 days in each house be suspended, and this rule is hereby suspended,
26 and that this Act take effect and be in force from and after its

H.B. No. 6

1 passage, and it is so enacted.

President of the Senate

Speaker of the House

I hereby certify that H.B. No. 6 was passed by the House on February 13, 1973, by the following vote: Yeas 143, Nays 0; and that the House concurred in Senate amendments to H.B. No. 6 on May 19, 1973, by the following vote: Yeas 125, Nays 0.

Chief Clerk of the House

I hereby certify that H.B. No. 6 was passed by the Senate, as amended, on May 17, 1973, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED:

6-14-73

Date

Signed

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:45 PM JUN 14 1973

JUN 14 1973

.....
Secretary of State

H.B. No. 6

A BILL TO BE ENTITLED
AN ACT

relating to the accessibility of information in the custody of
certain governmental agencies and bodies; prescribing penalties;
and declaring an emergency.

FILED

Jan. 9-1973.

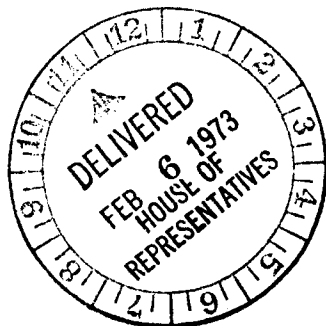
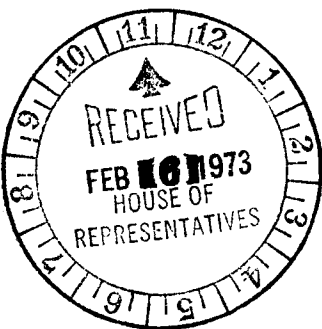
READ THE BILL
AND REPORT THEREON

State Affairs
Dorothy Hallman

Chief Clerk, House of Representatives

Fiscal note requested from Legislative Budget Board 1/29/73.
David Finney

FEB 5 1973 REPORTED FAVORABLY AS AMENDED SENT TO PRINTER



PRINTED, DISTRIBUTED AND
REFERRED TO COMMITTEE ON
Calendar
RULES 11:15 A.M.
(Time)

FEB 6 1973
(Date)

By *Newton*
Larry
McNee

FEB 12 1973

READ SECOND
TIME *amended* AND
ORDERED ENGROSSED

recor votes of
132 ayes 6 noes
Dorothy Hallman

Chief Clerk, House of Representatives

FEB 12 1973

MOTION TO RECONSIDER THE VOTE BY
WHICH *H.R. #6* WAS PASSED TO ENGROSSMENT
ADOPTED / PASSED AND TO TABLE THE MOTION TO RECON-
SIDER PREVAILED PASSED BY A *unanimous* VOTE OF

AYES AND NAYES
Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

FEB 12 1973

SENT TO ENGROSSING CLERK

FEB 13 1973

RETURNED FROM ENGROSSING CLERK

By: Denton, Lary, Menefee, et al

H.B. No. 6

A BILL TO BE ENTITLED

AN ACT

relating to the accessibility of information in the custody of certain governmental agencies and bodies; prescribing penalties; and declaring an emergency.

1- 9-73 Filed.

1-12-73 Read first time and referred to Committee on State Affairs.

2- 5-73 Reported favorably as amended, sent to printer.

2- 6-73 Printed, distributed and referred to Committee on Calendars at 11:15 a.m.

2-12-73 Read second time, amended and ordered engrossed by the following vote: Yeas 132, Nays 6.

Dorothy Hallman
Chief Clerk, H. of R.

2-12-73 Sent to Engrossing Clerk.

2-12-73 Engrossed.

Engrossing Clerk, H. of R.

FEB 13 1973 Read third time
amended and Passed
by following vote: yeas 143
Nays 0
Dorothy Hallman
Chief Clerk
HOUSE OF REPRESENTATIVES

FEB 13 1973 SENT TO ENGROSSING CLERK

FEB 14 1973 RETURNED FROM ENGROSSING CLERK SENT TO SENATE

FEB 14 1973 Received from the House

FEB 14 1973 Read, referred to Committee on JURISPRUDENCE

Reported favorably.

MAY 16 1973 Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

MAY 17 1973 Regular order of business and Constitutional rules to permit consideration suspended by

(unanimous consent.

(____ years, ____ days.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of ____ yeas, ____ nays.

MAY 17 1973 Read second time. Amended passed to third reading. as amended

MAY 17 1973 Caption ordered amended to conform to body of bill. amended

MAY 17 1973 Senate and Constitutional 3-Day Rules suspended by vote of 30 yeas, 1 nays to place bill on third reading and final passage.

MAY 17 1973 Read third time and passed by

(~~a viva voce vote.~~

30 yeas, 1 nays.

OTHER ACTION:

Charles Schnabel

Secretary of the Senate

RETURNED FROM SENATE

MAY 17 1973

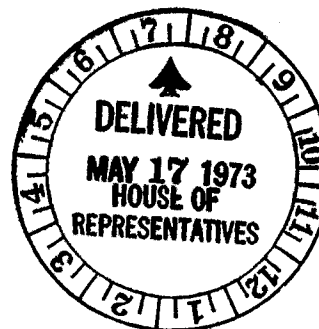
Joseph Hallman
Chief Clerk, House of Representatives

MAY 17 1973 Returned to HOUSE

SENT TO PRINTER

AS AMENDED

MAY 17 1973



PRINTED, DISTRIBUTED AND

REFERRED TO COMMITTEE ON

CALENDARS

7:15 P M
(Time)

MAY 17 1973

(Date)

MAY 19 1973

THE HOUSE CONCURRED IN SENATE AMENDMENTS
TO H.R. NO. 16 by recorded VOTE OF
125 AYES, 0 NAYS.

Joseph Hallman
Chief Clerk, House of Representatives

MAY 19 1973

SENT TO ENROLLING CLERK